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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,288	09/29/2003	Amit Bagga	503018-A-01-US (Bagga)	3129
47702 7590 10/19/2007 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER TRUONG, THANHNGA B	
			ART UNIT 2135	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,288

Applicant(s)

BAGGA ET AL.

Examiner

Thanhnga B. Truong

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the communication filed on July 31, 2007. Claims 1-33 are pending. At this time, claims 1-33 are still rejected.

Response to Arguments

2. Applicant's arguments filed on July 31, 2007 have been fully considered but they are not persuasive.

Applicant argues that:

Moy or Water does not disclose or suggest automatically generating a password based on said selected hint, as required by independent claims 1 and 27, does not disclose or suggest automatically generating a password based on said selected poem, said generated password having a similar rhyme and meter as said selected poem, as required by independent claim 17, does not disclose or suggest automatically generating a password based on said selected joke, said generated password including said variations for said one or more variable words or phrases, as required by independent claim 18, and does not disclose or suggest automatically generating a password based on said selected subset of said icons, as required by independent claim 19.,

Examiner respectfully disagrees with the applicant and still maintains that:

Moy teaches generating password based on the hint systems as shown in Figure 1 of Moy. Moy's system has the capability of automatically generated the password base on its hint system, since Moy does use the hint system to authenticate and/or compare the initial password with the current password of the user. By saying **"The password is provided to the computer system 1 by the user when the data file is created or the password security system 3A is initially invoked to protect the data file"** (emphasis added), Moy's invention inherently automatically generated the password if user does not want to initially provide the password. Thus, Moy's system gives the option of either taking the password from the user or automatically generated the password via the password security system. Therefore, Moy's system alone could teaches the claimed subject matter. To enhance the process of automatically

Art Unit: 2135

generated the password, Watkins teaches this limitation in column 3, lines 49-59 of Watkins. Although Moy and Watkins teaches a method for generating a password for a user using hint system (column 3, lines 25-31 of Moy), They are silent on the capability wherein said selected hint is a poem, which could have been included in the hint system as shown in Figure 1 of Moy, and said generated password has a similar rhyme and meter as said selected poem. On the other hand, Serpa teaches the pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of teaching between Moy, Watkins, and Serpa is proper and efficient.

Moy, Watkins, and Serpa do not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

For the above reasons, it is believed that the rejections should be sustained.

Claim Rejections - 35 USC § 103

Art Unit: 2135

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moy (US 5,425,102), and further in view of Watkins (US 5,719,560).

a. Referring to claim 1:

i. Moy teaches a method for generating a password for a user (column 3, lines 25-31 of Moy), comprising:

(1) presenting said user with a plurality of hints [i.e., the password identification system 3A invokes the hint system 2 in response to the user selecting the "Hint" menu choice on the display shown in FIG. 3. The hint system 2 then presents the prerecorded password hint to the user in a manner such as that illustrated by the display presented in FIG. 4 in an attempt to jog the user's memory to recall the password. If the initial password hint does not accomplish this goal, a succession of additional, and typically more specific password hints, can be provided to the user to ultimately induce the user to recall the password (column 3, lines 58-67 of Moy)];

(2) receiving a user selection of one of said hints; automatically generating a password based on said selected hint [i.e., upon receipt of the password hint request at step 21, the hint system 2 uses the user identification to retrieve the password-password hint data from memory at step 22. Hint system 2 at step 23 transmits the first of the sequence of hints in this retrieved data to the user via a display such as that illustrated in FIG. 4. The user reads the hint and then can activate the "OK" legend on the menu display to return to the password sequence of the requesting process. Alternatively, the hint system 2 assumes complete control over the password process and provides a password entry screen such as that illustrated in FIG. 3 or provides a display

which combines the hint screen of FIG. 4 with a password entry line such as that used in FIG. 3 (column 4, lines 25-38 of Moy)]; and

(3) presenting said selected hint to said user to reinforce said generated password [i.e., hint system 2 at step 23 transmits the first of the sequence of hints in this retrieved data to the user via a display such as that illustrated in FIG. 4. The user reads the hint and then can activate the "OK" legend on the menu display to return to the password sequence of the requesting process. Alternatively, the hint system 2 assumes complete control over the password process and provides a password entry screen such as that illustrated in FIG. 3 or provides a display which combines the hint screen of FIG. 4 with a password entry line such as that used in FIG. 3 (column 4, lines 28-38 of Moy)].

ii. Although Moy teaches a method for generating a password for a user (column 3, lines 25-31 of Moy), Moy is silent on the capability of automatically generating a password. On the other hand, Watkins teaches this limitation in column 3, lines 49-59 of Watkins.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Moy with the teaching of Watkins (if indeed is not inherent in Moy) to enhance the level of security of methods of automatic verification of personal identity (**see abstract of Watkins**).

iv. The ordinary skilled person would have been motivated to:

(1) have modified the invention of Moy with the teaching of Watkins (if indeed is not inherent in Moy) for making it more convenient for a user to use password protection for files and to encrypt files (**column 1, lines 7-9 of Moy**).

b. Referring to claim 2:

i. Moy further teaches:

(1) wherein said plurality of hints include one or more of textual, audio or visual hints [i.e., a likely first hint could be: **Childhood friend. A second hint could then be: Reptilian pet. The final hint in the sequence could be: My first turtle's name (column 5, lines 17-20)**].

c. Referring to claim 3:

i. Moy further teaches:

(1) wherein said plurality of hints include one or more of poems, songs, jokes, pictures or words [i.e., a likely first hint could be: **Childhood friend. A second hint could then be: Reptilian pet. The final hint in the sequence could be: My first turtle's name (column 5, lines 17-20)]**].

d. Referring to claim 4:

i. Moy further teaches:

(1) wherein said generated password is further based on a user input [i.e., **the user must thereafter enter a password that exactly matches the password initially input by the user to obtain access to the protected data file (column 3, lines 29-32 of Moy)]**].

e. Referring to claim 5:

i. Moy further teaches:

(1) further comprising the step of presenting said selected hint and said generated password to said user at enrollment [i.e., **the hint system 2 operates to provide the user with a password hint as illustrated in flow diagram form in FIG. 2. The process is initiated at step 21 by a one of password identification system 3A or encryption/decryption system 3B transmitting a password hint request to hint system 2. This process is initiated in one of password identification system 3A or encryption/decryption system 3B by the user electing to activate the hint system 2 pursuant to a menu choice "Hint" as illustrated in FIG. 3. The request received by hint system 2 identifies the user so that the hint system can identify the proper set of hints to be presented to the user. The user identification is obtained either by identifying the terminal device from which the data file access request has originated or by the user entering a user identification as part of the standard login process (column 4, lines 3-18 of Moy)]**].

f. Referring to claim 6:

i. Moy further teaches:

(1) further comprising the step of sending said selected hint to said user as a reinforcement of said generated password [i.e., hint system 2 at step 23 transmits the first of the sequence of hints in this retrieved data to the user via a display such as that illustrated in FIG. 4. The user reads the hint and then can activate the "OK" legend on the menu display to return to the password sequence of the requesting process. Alternatively, the hint system 2 assumes complete control over the password process and provides a password entry screen such as that illustrated in FIG. 3 or provides a display which combines the hint screen of FIG. 4 with a password entry line such as that used in FIG. 3 (column 4, lines 28-38 of Moy)].

g. Referring to claim 7:

i. Moy further teaches:

(1) further comprising the step of recording said selected hint and said generated password in a record associated with said user [i.e., hint system 2 maintains in memory a set of password (or user ID)-password hint sequences for each user of computer system 1 who has initiated a password protection system data file protection sequence. The password data can be encoded, scrambled or dispersed in the storage medium, and the password hints can be similarly managed (column 4, lines 19-25 of Moy)].

h. Referring to claim 10:

i. Moy further teaches:

(1) wherein said plurality of hints includes a plurality of words and said generated password is based on a subset of said words selected by said user [i.e., a likely first hint could be: Childhood friend. A second hint could then be: Reptilian pet. The final hint in the sequence could be: My first turtle's name (column 5, lines 17-20 of Moy)].

i. Referring to claim 27:

i. This claim consist a apparatus for generating a password for a user to implement claim 1, thus it is rejected with the same rationale applied against claim 1 above.

ii. Moy further teaches:

(1) a memory; and at least one processor, coupled to the memory [i.e., **hint system 2 maintains in memory a set of password (or user ID)-password hint sequences for each user of computer system I who has initiated a password protection system data file protection sequence (column 4, lines 19-22 of Moy)]**].

iii. Although Moy is silent on the capability of showing the processor, it is a standard and well know component that every computer system must have in order to run all the function and applications that installs in the particular computer system, such as the hint, the password protection, and the encryption system as shown in Figure 1 of Moy.

iv. Examiner takes Official Notice that:

(1) the one processor, coupled to the memory was well known at the time the invention was made.

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the invention of Moy to show the processor coupled to the memory. Such the processor would have been obvious because Moy teaches applicability to the process of executing the hint system (see Figure 1), and because the processor was well known.

j. Referring to claims 28-29:

i. These claims have limitations that is similar to those of claim 2, thus they are rejected with the same rationale applied against claim 2 above.

k. Referring to claim 30:

i. This claim has limitations that is similar to those of claim 4, thus it is rejected with the same rationale applied against claim 4 above.

l. Referring to claim 31:

i. This claim has limitations that is similar to those of claim 5, thus it is rejected with the same rationale applied against claim 5 above.

m. Referring to claim 32:

i. This claim has limitations that is similar to those of claim 6, thus it is rejected with the same rationale applied against claim 6 above.

n. Referring to claim 33:

i. This claim has limitations that is similar to those of claim 7, thus it is rejected with the same rationale applied against claim 7 above.

5. Claims 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moy (US 5,425,102), in view of Watkins (US 5,719,560), and further in view of Serpa (US 6,954,862 B2).

a. Referring to claim 8:

i. Although Moy and Watkins teaches a method for generating a password for a user using hint system (column 3, lines 25-31 of Moy), They are silent on the capability wherein said selected hint is a poem, which could have been included in the hint system as shown in Figure 1 of Moy, and said generated password has a similar rhyme and meter as said selected poem. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password (**column 4, lines 40-49 of Serpa**).

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the combination of teaching between Moy and Watkins with the teaching of Serpa (if indeed is not inherent in Moy) to increase the security afforded by passwords and to make them easier to use (**column 2, lines 24-26 of Serpa**).

iii. The ordinary skilled person would have been motivated to:

(1) have modified the combination of teaching between Moy and Watkins with the teaching of Serpa (if indeed is not inherent in Moy) for making it more convenient for a user to use password protection for files and to encrypt files **(column 1, lines 7-9 of Moy)**.

b. Referring to claim 9:

i. Although Moy and Watkins teaches a method for generating a password for a user using hint system (column 3, lines 25-31 of Moy), They are silent on the capability wherein said plurality of hints includes a plurality of jokes, which could have been included in the hint system as shown in Figure 1 of Moy, each containing one of a number of different variations for one or more variable words or phrases included in each joke and said generated password includes said variations for said one or more variable words or phrases [i.e., **a likely first hint could be: Childhood friend. A second hint could then be: Reptilian pet. The final hint in the sequence could be: My first turtle's name (column 5, lines 17-20 of Moy)**]. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password **(column 4, lines 40-49 of Serpa)**.

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the combination of teaching between Moy and Watkins with the teaching of Serpa (if indeed is not inherent in Moy) to increase the security afforded by passwords and to make them easier to use **(column 2, lines 24-26 of Serpa)**.

iii. The ordinary skilled person would have been motivated to:

(1) have modified the combination of teaching between Moy and Watkins with the teaching of Serpa (if indeed is not inherent in Moy) for making it more convenient for a user to use password protection for files and to encrypt files **(column 1, lines 7-9 of Moy)**.

c. Referring to claims 11-12, 14-16, 21-22, 24-26:

i. These claims have limitations that is similar to those of claims 8-9, thus they are rejected with the same rationale applied against claims 8-9 above.

d. Referring to claim 13:

i. Although Moy and Watkins teaches a method for generating a password for a user using hint system (column 3, lines 25-31 of Moy), They are silent on the capability wherein said plurality of hints includes a plurality of image icons, which could have been included in the hint system as shown in Figure 1 of Moy, and said generated password is based on a subset of said image icons selected by said user. On the other hand, Serpa teaches:

(1) The pace, rhythm, or tempo of keystrokes becomes as much a part of the password as the actual letters, numbers, or symbols comprising the password. An unauthorized individual might still obtain the ID and password belonging to a legitimate user but, without knowledge of the correct timing element associated with the password, the information will be useless. Because the password is pace, rhythm, or tempo sensitive, access is restricted to those who know both the password and the pace, rhythm, or tempo of the password **(column 4, lines 40-49 of Serpa)**.

ii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) have modified the combination of teaching between Moy and Watkins with the teaching of Serpa (if indeed is not inherent in Moy) to increase the security afforded by passwords and to make them easier to use **(column 2, lines 24-26 of Serpa)**.

iv. The ordinary skilled person would have been motivated to:

Art Unit: 2135

(1) have modified the combination of teaching between Moy and Watkins with the teaching of Serpa (if indeed is not inherent in Moy) for making it more convenient for a user to use password protection for files and to encrypt files (column 1, lines 7-9 of Moy).

d. Referring to claims 17-18:

i. These claims have limitations that is similar to those of claims 1 and 8-9, thus they are rejected with the same rationale applied against claims 1 and 8-9 above.

e. Referring to claims 19-20:

i. These claims have limitations that is similar to those of claims 1 and 13, thus they are rejected with the same rationale applied against claims 1 and 13 above.

f. Referring to claim 23:

i. This claim has limitations that is similar to those of claim 13, thus it is rejected with the same rationale applied against claim 13 above.

Conclusion

6. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

Art Unit: 2135

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Chandra B. Dwyer
Primary Examiner AU2135

TBT

October 10, 2007